

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

UNITED STATES OF AMERICA	)	
	)	Case No. 3:11CR152-MOC
v.	)	
	)	
CRAIG ALLEN RODGERS	)	

**UNITED STATES' MOTION FOR AN ORDER AMENDING RESTITUTION AMOUNT  
AND REQUIRING FBI TO DELIVER FORFEITED FUNDS TO VICTIM**

The United States of America, by and through Anne M. Tompkins, the United States Attorney for the Western District of North Carolina, moves the Court for an Order amending the restitution amount in this case and requiring the FBI to deliver to the Clerk of Court any and all remaining funds it seized from the defendant at the time of his arrest so that such funds may be paid to victim “J. M.” In support of this Motion, which realleges and incorporates the factual background in the government's first and second Motions for An Order Requiring the FBI to Deliver Forfeited Funds (documents #25 and #27), the United States, pursuant to 18 U.S.C. § 3663A(d)(mandatory restitution to victims of certain crimes) and 18 U.S.C. § 3664(d)(5),<sup>1</sup> moves the Court for an Order that amends and increases the restitution amount in the Judgment from four hundred eighty one dollars (\$481) to two thousand seven hundred and twenty one dollars (\$2721).

In the Court’s original Judgment, it found that victim “J. M.” was owed \$481 in restitution based on medical costs. Since that time, the victim has submitted additional documentation showing losses as a result of wages she lost when the defendant forced her to engage in

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<sup>1</sup> This statute provides, in pertinent part, that “If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.” *See Dolan v. United States*, --- U.S. ---, 130 S.Ct. 2533 (2010) (allowing amendment to restitution orders outside of time periods in 18 U.S.C. § 3664(d)(5)).

commercial sex acts from on or about February 5, 2011, to on or about May 13, 2011. According to a letter submitted by John H. Ballard, the defendant provided babysitting services for his children for seven hours a day, five days a week, until he returned home from work. In addition to babysitting, victim "J. M." also cleaned Mr. Ballard's house, helped his children with their homework, cooked meals, and prepared the children for bed. Mr. Ballard's letter reads that he paid her eight dollars (\$8.00) an hour, which totals \$280.00 per week and two thousand forty dollars (\$2240.00) for the eight weeks that the victim was with the defendant. Because of a pregnancy and a move to a different city, victim "J.M." did not submit this information to the government until months after the defendant's sentencing.

The Court's earlier Order allowed the FBI to apply forfeited funds to pay restitution to victim "J. M." As a consequence, in addition to an Order increasing the restitution amount from \$481 to \$2721, the government also requests that the Court order the FBI to deliver to the Clerk of Court any and all remaining funds it seized from the defendant at the time of his arrest so that such funds may be paid to victim "J. M."

The undersigned has notified defense counsel about this Motion and he did not object to its filing.

RESPECTFULLY SUBMITTED this 21st day of December, 2012.

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**CERTIFICATE OF SERVICE**

I certify that on the 21st day of December, 2012, the attached Motion was served upon the party listed below by electronic mail as follows:

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